

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security **1** Assumption of Executory Contract or Unexpired Lease **0** Lien Avoidance

Last Revised December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **17-15248**

Judge **Michael B. Kaplan**

Barous, Irene

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **April 9, 2018**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **DES**

Initial Debtor: **IB**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor shall pay tier payments of \$300.00 per month for 9 months; \$350.00 per month for 27 months to the Chapter 13 Trustee, starting on 4/1/2017.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____

☒ Refinance of real property
 Description: **27 Blenheim Road, Manalapan, NJ - Acquiring Assumption**
 Proposed date for completion: 10/01/2018

☒ Loan modification with respect to mortgage encumbering property
 Description: **27 Blenheim Road, Manalapan, NJ - Acquiring Assumption**
 Proposed date for completion: 10/01/2018
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Straffi & Straffi, LLC	Administrative Expense	4,500.00
Western Monmouth Utilities Authority	Taxes	654.00
Chapter 13 Standing Trustee	507(a)(1) Admin Exp.	to be determined

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims**a. Curing Default and Maintaining Payments on Principal Residence: [] NONE**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank Of America, NA	27 Blenheim Rd, Manalapan, NJ 07726-2626	260,034.59	0.00%	0.00	2,187.50

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Dept of Ed/582/Nelnet - Student Loan

g. Secured Claims to Be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Toyota Motor Credit Co	428.39	Installment account opened 4/1/2015 - 2015 Toyota CamryCredit	Assume	\$407.00

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 4/09/2018

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
Plan is being modified to extend time to obtain a loan modification and/or acquire an assumption of mortgage.	Plan was modified by extending time to obtain a loan modification and/or acquire an assumption of mortgage.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: April 9, 2018 /s/ Daniel E. Straffi, Jr.
Attorney for the Debtor

Date: April 9, 2018 /s/ Irene Barous
Debtor

Date: April 9, 2018 _____
Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: April 9, 2018 /s/ Daniel E. Straffi, Jr.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: **April 9, 2018**

/s/ Irene Barous

Debtor

Date: **April 9, 2018**

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Irene Barous
 Debtor

Case No. 17-15248-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 55

Date Rcvd: Apr 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2018.

db +Irene Barous, 27 Blenheim Road, Manalapan, NJ 07726-2626
 lm +Bank of America, 100 North Tryon Street, Charlotte, NC 28255-0001
 516707754 A-1 Collections Svc, 2297 Highway 33, Hamilton Square, NJ 08690-1717
 516707755 Amerisol, PO Box 65018, Baltimore, MD 21264-5018
 516707758 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bankamerica, PO Box 982238, El Paso, TX 79998-2238)
 516707757 +Bank Of America, NA, 100 N Tryon St, Charlotte, NC 28202-4031
 516707756 #Bank of America, NC4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012
 516880484 Bank of America, N.A., PO Box 31785, Tampa, FL 33631-3785
 516707759 +BioReference Laboratories, 481 Edward H Ross Dr, Elmwood Park, NJ 07407-3128
 516707763 +C. Catherine Jannarone, Esq., 30 Freneau Avenue, Suite 1B, Matawan, NJ 07747-3391
 516707762 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank USA N, 15000 Capital One Dr,
 Richmond, VA 23238-1119)
 516707760 Cap One NA, PO Box 26625, Richmond, VA 23261-6625
 516707761 Capital One, Attn: General Correspondence/Bankruptcy, PO Box 30285,
 Salt Lake City, UT 84130-0285
 516917988 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516707764 #Central Credit Services, Inc., 20 Corporate Hills Dr, Saint Charles, MO 63301-3749
 516707766 Centrastate Medical Center, 901 West Main Street, Freehold, NJ 07728-2549
 516707768 Chase Card, PO Box 15298, Wilmington, DE 19850-5298
 516707767 Chase Card, Attn: Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298
 516707769 Chase-pier1, PO Box 15298, Wilmington, DE 19850-5298
 516707770 Comenity Bank/Fashbug, PO Box 182272, Columbus, OH 43218-2272
 516707771 Comenity Bank/Fashion Bug, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 516707772 Comenity Bank/New York & Co, PO Box 182125, Columbus, OH 43218-2125
 516707773 Comenity Bank/Nwyrk&Co, 220 W Schrock Rd, Westerville, OH 43081-2873
 516707774 Comenity Bank/Vctrssec, PO Box 182789, Columbus, OH 43218-2789
 516707775 Comenity Bank/Victoria Secret, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 516707776 Comenity Capital Bank/Hsn, PO Box 182125, Columbus, OH 43218-2125
 516707777 Comenity Capital/Hsn, 995 W 122nd Ave, Westminster, CO 80234-3417
 516707780 Dsnb Macys, PO Box 8218, Mason, OH 45040-8218
 516707782 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit, National Bankruptcy Service Center,
 PO Box 62180, Colorado Springs, CO 80962-2180)
 516963798 +Ford Motor Credit Co., LLC, Rubin & Rothman, 1787 Veterans Hwy., Ste. 32,
 Islandia, NY 11749-1500
 516707783 +Frđ Motor Cr, PO Box BOX542000, Omaha, NE 68154-8000
 516707784 +Freehold Radiology Group, PO Box 6545, Freehold, NJ 07728-6545
 516707785 GMAC Mortgage, PO Box 4622, Waterloo, IA 50704-4622
 516707786 I C System Inc, PO Box 64378, Saint Paul, MN 55164-0378
 516707787 KML Law Group, PC, 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812
 516707791 Pier 1/Comenity Bank, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 516707792 Regional Women's Health Group, LLC, PO Box 536, Voorhees, NJ 08043-0536
 516707795 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit, 4 Gatehall Dr Ste 350,
 Parsippany, NJ 07054)
 516785178 +Toyota Lease Trust, C/O Toyota Motor Credit Corporation, P.O. Box 9013,
 Addison, Texas 75001-9013
 516707798 Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, PO Box 8053,
 Mason, OH 45040-8053
 516707800 +Western Monmouth Utilities Authority, 103 Pension Rd, Manalapan, NJ 07726-8498

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 13 2018 23:17:10 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Apr 13 2018 23:17:07 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516707778 E-mail/Text: electronicbkydocs@nelnet.net Apr 13 2018 23:17:13 Dept of Ed/582/Nelnet,
 Attn: Claims/Bankruptcy, PO Box 82505, Lincoln, NE 68501-2505
 516707779 E-mail/Text: electronicbkydocs@nelnet.net Apr 13 2018 23:17:13 Dept of Education/Neln,
 3015 S Parker Rd, Aurora, CO 80014-2904
 516707781 E-mail/Text: bnc-bluestem@quantum3group.com Apr 13 2018 23:17:53 Fingerhut,
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 516707788 E-mail/Text: bnckohlsnotices@becket-lee.com Apr 13 2018 23:16:31 Kohls/Capital One,
 Kohls Credit, PO Box 3043, Milwaukee, WI 53201-3043
 516707789 +E-mail/Text: bnckohlsnotices@becket-lee.com Apr 13 2018 23:16:31 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 516707790 +Fax: 407-737-5634 Apr 13 2018 23:40:32 Ocwen Loan Servicing, Attn: Research Dept,
 1661 Worthington R Ste 100, West Palm Beach, FL 33409-6493
 516961699 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 13 2018 23:19:38
 Portfolio Recovery Associates, LLC, c/o Orchard Bank, POB 41067, Norfolk VA 23541

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 55

Date Rcvd: Apr 13, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516879935 E-mail/Text: bnc-quantum@quantum3group.com Apr 13 2018 23:16:59
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
516707793 E-mail/PDF: gecsedirecoverycorp.com Apr 13 2018 23:13:32 Synchb/tjx Cos, PO Box 965005,
Orlando, FL 32896-5005
516707794 E-mail/PDF: gecsedirecoverycorp.com Apr 13 2018 23:13:32 Synchrony Bank/Tjx,
Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-5060
516733836 +E-mail/Text: electronicbkydocs@nelnet.net Apr 13 2018 23:17:13 U.S. Department of Education,
C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
516707799 E-mail/Text: bnc-bluestem@quantum3group.com Apr 13 2018 23:17:53 Webbank/fingerhut,
6250 Ridgewood Rd, Saint Cloud, MN 56303-0820

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516707796* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, 4 Gatehall Dr Ste 350,
Parsippany, NJ 07054-4522)
516707797* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, PO Box 8026,
Cedar Rapids, IA 52408-8026)
516707765 ##+Central Jersey Emergency Medical Assoc, PO Box 2680, New Brunswick, NJ 08903-2680
TOTALS: 0, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 10, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Brian C. Nicholas on behalf of Creditor BANK OF AMERICA, N.A. bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Daniel E. Straffi on behalf of Debtor Irene Barous bktrustee@straffilaw.com,
G25938@notify.cincompass.com/bkclient@straffilaw.com/familyclient@straffilaw.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Loss Mitigation Bank of America dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7